

United States District Court

for

Middle District of Alabama

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: DANIEL L. MCCLELLAN

Case Number: 1:05CR00165-001

Name of Sentencing Judicial Officer: Honorable James D. Todd, U.S. District Judge, Western District of Tennessee. Jurisdiction transferred to the Middle District of Alabama; assigned to Honorable Mark E. Fuller, Chief U.S. DISTRICT Judge

Date of Original Sentence: March 2, 2000

Original Offense: Felon in Possession of Firearm; 18 USC 922 (g), a Class C Felony

Original Sentence: 70 Months custody of the Federal Bureau of Prisons; two (2) years Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: April 18, 2005

Assistant U.S. Attorney: Louis Franklin

Defense Attorney: Federal Defender

PETITIONING THE COURT

To issue a summons
 To issue a warrant

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1. **Violation of condition of supervised release which states, "The defendant shall not commit another federal, state, or local crime."**

On February 11, 2006, Sgt. John Tate of the Holmes County, Florida Sheriff's Department conducted a traffic stop on a 1994 Dodge van for not displaying a vehicle tag. The driver of the vehicle was identified as Daniel L. McClellan. McClellan was not able to produce a valid drivers license as his Alabama license had been suspended. McClellan was placed under arrest for Driving While License Suspended or Revoked and Sgt. Tate searched his person. Sgt. Tate located a loaded .22 caliber pistol in McClellan's right cargo pants pocket. McClellan was charged with Carrying a Concealed Firearm.

2. **Violation of condition of supervised release which states, "The defendant shall not commit another federal, state, or local crime."**

On February 11, 2006, Sgt. John Tate of the Holmes County, Florida Sheriff's Department conducted a traffic stop on a 1994 Dodge van for not displaying a vehicle tag. The driver of the vehicle was identified as Daniel L. McClellan. McClellan was placed under arrest for Driving While License Suspended or Revoked and Sgt. Tate searched his person. Sgt. Tate located a loaded .22 caliber pistol in McClellan's right cargo pants pocket. A search of the vehicle revealed a loaded 9mm pistol in a black garbage bag between the front driver and passenger seat. McClellan was charged with Possession of a Firearm by a Convicted Felon.

3. Violation of condition of supervised release which states, "The defendant shall not possess a firearm as defined in 18 USC § 921."

On February 11, 2006, Sgt. John Tate of the Holmes County, Florida Sheriff's Department conducted a traffic stop on a 1994 Dodge van for not displaying a vehicle tag. The driver of the vehicle was identified as Daniel L. McClellan. McClellan was placed under arrest for Driving While License Suspended or Revoked due to his Alabama drivers license being suspended. Sgt. Tate searched his person, and located a loaded .22 caliber pistol in McClellan's right cargo pants pocket.

4. Violation of condition of supervised release which states, "The defendant shall not possess a firearm as defined in 18 USC § 921."

On February 11, 2006, Sgt. John Tate of the Holmes County, Florida Sheriff's Department conducted a traffic stop on a 1994 Dodge van for not displaying a vehicle tag. The driver of the vehicle was identified as Daniel L. McClellan. McClellan was placed under arrest for Driving While License Suspended or Revoked due to his Alabama drivers license being suspended. A search of the vehicle revealed a loaded 9mm pistol in a black garbage bag between the front driver and passenger seat.

U.S. Probation Officer Recommendation:

The term of supervision should be
 revoked.
 extended one year

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2006

/s/ Louis D. Johns, Jr.
 Louis D. Johns, Jr.
 U.S. Probation Officer

Reviewed and approved: Leslie P. Craft
 Leslie P. Craft, Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

The Issuance of a Warrant
 The Issuance of a Summons
 No Action
 Other

Myron H. Thompson
 Myron H. Thompson
 United States District Judge

February 13, 2006

Date